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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,536	10/24/2000	John Steven Merriam, Jr.	Merriam 2	3489
47549	7590	10/17/2005	EXAMINER	
PRIEST & GOLDSTEIN, PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713			CORRIELUS, JEAN B	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/695,536	MERRIAM, JR., JOHN STEVEN	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) 1-36 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                     |

**DETAILED ACTION*****Specification***

1. The disclosure is objected to because of the following informalities:

Please update the status of the applications mentioned in the specification. Page 2, 4 lines before the last, Patent No. "5,41,468" is not a proper Patent number. Page 2, the line before last, "CONTROLLER FOR" is mistyped as "CONTROLLERFOR". Page 7, line 18, "2E. In" is mistyped as "2ElN". Page 9, line 5, please delete "etc.". Page 21, line 14, "of" is mistyped as "of.". Page 22, three lines before last, "1208" is mistyped as "1204". Page 16, lines 20, 24 and 26, refers to "1000" as a TDD, a front end processor and figure.

Appropriate correction is required.

***Claim Objections***

2. Claims 1-36 are objected to because of the following informalities:

As per claim 1, the limitations recited in lines 5-6 appear to be "method type limitation". The claim should recite the actual component(s) that perform(s) the recited function; line 6, "related" should be replaced by "corresponding".

As per claim 4, line 2, "a rat" should be replaced "clock rate"; line 2, what does it mean by "in one loop"? line 3, what does it mean by "channel-related divisions"? line 3, "clock" should be inserted before "rate".

claim 5, line 2, what does it mean by "channel-related divisions"? line 3, before channel, "corresponding" should be inserted; line 4, "channel" should be deleted.

Claim 6, line 3, "channel" should be deleted.

Claim 7, line 1, "clock" should be inserted before "rate".

Claim 8, line 3, "a data" should be replaced by "said/the data" so as to make use of antecedent in claim 1.

Claim 9, line 1, "front end of claim 8 further" should be replaced by "of claim 8 wherein the receiver front end". The same comment applies to claim 13.

Claim 10, line 1, "front end of claim 9 further" should be replaced by "of claim 9 wherein the receiver front end"; line 2, "decimator" should be replaced by "a plurality of decimators each"; line 2, "a corresponding one of" should be inserted after "receive" ; line 3, "a corresponding" should be "the corresponding".

Claim 11, line 1, after receiver, "front end" should be deleted; after "wherein", "receiver" should be inserted. the same comment applies to claim 12.

Claim 14 "front end" should be deleted. the same comment applies to claim 16.

Claim 15, line 1, "front end of claim 13 further" should be replaced by "of claim 9 wherein the receiver front end"; line 2, before "decimators", "a plurality of" should be inserted.

Claim 17, line 1, "front end of claim 8 further" should be replaced by "of claim 8 wherein the receiver front end"; line 3, "the" should be inserted before "highest".

Claim 18, line 6 and line 14, "related" should be replaced by "corresponding".

Claim 19, line 3, "a" should be inserted before "data".

Claim 20, line 1, "comprising the step of" should be replaced by "wherein"; line 2, "(F1) storing the data in data memory" should be replaced by "said data memory is".

Claim 21, line 1, "comprising the step of" should be replaced by "wherein"; line 2, "(f2) storing the data in data memory" should be replaced by "said data memory is"; line 3, what does it mean by "one loop"? and "clock" should be inserted before "rate"; lines 3-4, what does it mean by "channel-related division"? line 4, "clock" should be inserted before "rate".

Claim 22, line 2, what does it mean by "channel-related division"? line 3, "corresponding" should be inserted before "channel".

Claim 23, line 1, " further comprising the step of" should be replaced by "wherein"; line 2, "(E1)" should be deleted; line 2, "providing" should be replaced by "provides"; line 3, "channel" should be deleted.

Claim 25, line 1, "method" should be inserted after "The".

The limitations recited in claims 26-36, respectively, appear to be oriented to "apparatus type limitations" rather than "method type limitations".

Note that any claim whose base claim is objected is likewise objected.

Appropriate correction is required.

3. This application is in condition for allowance except for the formal matters noted above..

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

4. Claims 1-36 would be allowable if amended to overcome the objection set forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 2637

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*Jean B Corrielus*  
Jean B Corrielus  
Primary Examiner  
Art Unit 2637

10-15.05